

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

FORMTEC LLC,

Petitioner,

v.

Case No. 23-C-516

SPHERICAL IP LLC,

Respondent,

v.

MICHAEL J. MORRIS and
BENNETT HARTMAN LLP,

Intervenor Defendants.

ORDER

Petitioner Formtec LLC filed a petition pursuant to 9 U.S.C. § 9 to confirm the final award of arbitrators entered against Respondent Spherical IP LLC. On June 7, 2023, the court approved the stipulation of the parties allowing Michael J. Morris and Bennett Hartmann LLP (BH) to intervene in this action as intervenor defendants to oppose Formtec's requests to modify the arbitration award and/or for this court to exercise its inherent powers to impose sanctions against them. Dkt. No. 12. BH and Morris filed a motion to dismiss on June 14, 2023, and Spherical filed a motion to dismiss on June 15, 2023. Rather than file a response to the motions to dismiss, Formtec filed an amended petition to confirm the arbitration award. Generally, the filing of an amended pleading renders moot any pending motion to dismiss. *See, e.g., Johnson v. Dossey*, 515 F.3d 778, 780 (7th Cir. 2008) ("When an amended complaint is filed, the prior pleading is

withdrawn and the amended pleading is controlling.”). Accordingly, the motions to dismiss (Dkt. Nos. 14 & 17) are **DENIED as moot**.

SO ORDERED at Green Bay, Wisconsin this 10th day of July, 2023.

s/ William C. Griesbach
William C. Griesbach
United States District Judge